

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3239

IN THE MATTER OF:

Served October 7, 1988

Investigation of Need for Charter)
Coach Service Pursuant to the)
Compact, Title II, Article XII,)
Section 4(d)(3))

Case No. MP-88-37

At meetings held August 25 and September 8, 1988, involving members of Washington's tourism and convention industry, District of Columbia government officials, representatives of the motor carrier industry, and WMATC staff, it has been alleged that insufficient coaches are currently available for use within the Metropolitan District. It appears that some WMATC carriers have reduced their fleets. In addition, as the result of compliance with a decision of the United States Department of Transportation (USDOT) intended to maximize usage of vehicles operated within the private sector, transit buses owned and operated by the Washington Metropolitan Area Transit Authority have not been generally available to private parties. See 49 C.F.R. § 604 (1987). This reduction in equipment availability comes at a time when the tourism industry in Washington appears to be growing, and Washington's popularity as a convention city could be increasing. The purpose of this investigation is to establish a framework within which the dimensions of the problem may be determined and to entertain applications for temporary authority from those carriers that choose to respond to such problem as may exist.

Title II, Article XII, Section 4(d)(3) of the Compact enables the Commission to grant temporary authority for a period not to exceed 180 days for the purpose of enabling provision of service for which there is an immediate and urgent need that no existing carrier service is capable of meeting. In the usual case a carrier would file an application containing evidence of that need as well as evidence going to its fitness to provide the service needed. The Commission would then consider whether existing carrier service is capable of meeting that need. If no properly certificated carrier presents evidence that it has sufficient equipment available to provide the required service and would, in fact, make that equipment available, then it is presumed that there is no other carrier capable of meeting the need. The analysis then turns to whether there is in fact an immediate and urgent need. For the reasons stated in the preceding paragraph, information consistent with this standard is hereby solicited.

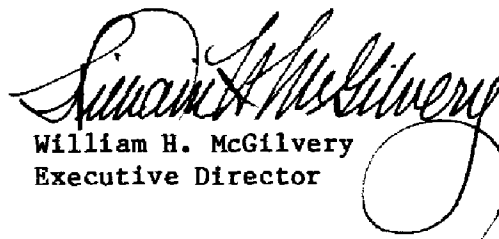
Those persons having an immediate and urgent need for transportation of passengers in coaches are hereby invited to present information of evidentiary quality regarding the exact nature and extent of the need. Affidavits and notarized letters will be accepted.

Those persons alleging need should state as specifically as possible when and where transportation is required, the size of the group(s) to be transported, and any additional relevant information. Those persons ready, willing, and able to provide such transportation are invited so to indicate by filing the following items: (1) certified true copy(s) of any operating authority held from any regulatory body; (2) certified true copy of most recent USDOT safety rating; (3) most recent balance sheet and 12-month operating statement, neither of which is more than 12 months old; (4) an equipment list showing for each vehicle the following: seating capacity, make, model, serial number, vehicle number, and license plate number (with jurisdiction); (5) insurance certificate in conformance with Commission Regulation No. 62; (6) certification that applicant (or its chief operating officer) is familiar with the terms of the Compact and the Commission's rules and regulations and will comply therewith; and (7) reference to any proceedings, either completed or pending, in which applicant has been found unfit or in which its fitness is under investigation by this Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the Interstate Commerce Commission, or the United States Department of Transportation. Items 3, 4, 6, and 7 should be notarized. Item 5 should be sent to the Commission directly from the insurance carrier or insurance agent. All items must be provided no later than Monday, October 24, 1988. A 10-day period for protests will be provided after responses to this order have been received in order to determine whether existing carrier service is capable of meeting this need.

The Commission staff is directed to publish notice of this investigation in a newspaper of general circulation in the Metropolitan District no later than three days from the service date of this order.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director